THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.27308 of 2005

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23.12.2005

Between:

Kanchuboina Yellayya @ Gandhi, S/o. Late Appalaswamy

... Petitioners

AND

The Revenue Divisional Officer, Visakhapatnam

And others

...Respondent

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.27308 of 2005

ORDER:

The petitioner is resident of Tagarapuvalasa village of Bheemunipatnam Mandal. He is allegedly in possession of land admeasuring Acs.0.48 in survey No.53/2. It appears, an extent of Acs.0.25 in this land was acquired for NH.5 and remaining land is allegedly in possession of the petitioner. The petitioner made a representation seeking assignment of the land in survey No.53/2, in vain. In the meanwhile, the respondents 3 and 4 filed a caveat petition on the file of the Court of Junior Civil Judge, Bheemunipatnam claiming that the Mandal Revenue Officer issued L.P.C. (Land Possession Certificate). Having come to know the same, the petitioner filed the present writ petition alleging that the respondents 3 and 4 are trying to dispossess him in the guise of assignment made by the second respondent in favour of them. The petitioners seeks *inter alia* a direction to respondents 1 and 2 to consider the representation of the petitioner for assignment of the land admeasuring Acs.0.23 in survey No.53/2 of Tagarapuvalasa.

Learned Counsel for the petitioner placed strong reliance on the averment/allegation made by respondents 3 and 4 in the caveat petition filed by them on the file of the Court of Junior Civil Judge, Bheemunipatnam. He submits that when the application made by is pending, without considering the said application, assignment of the land in favour of respondents 3 and 4 is illegal and contrary to Board Standing Order No.15. **Opposing the writ petition**, at the stage of admission, the learned Assistant Government Pleader for Revenue (Assignment), after getting instructions, submits that the land has not been assigned to respondents 3 and 4, and second respondent has never issued LPC. The writ petition is filed on mere apprehension. Secondly, she would urge that the land has a potentiality for being used as urban land and therefore, the proposal/request of the petitioner for assignment of the land cannot be considered.

In view of the submissions made by the learned Assistant Government Pleader, this Court is of the considered opinion that the petitioner may approach the Revenue Divisional Officer and file appeal against the endorsement dated 06.5.2005 issued by the second respondent whereby and whereunder he was informed that in view of the restriction on grant of pattas, the application of the petitioner cannot be considered. The appellate authority may pass appropriate orders within a period of four weeks from the date of filing of the appeal by the petitioner.

The writ petition, with the above observations and directions, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

December 23, 2005.

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